

Information for File #2003-08542-RMG

Applicant	Town of Wayne
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Primary County	Washington
Section	24
Township	12N
Range	18E
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Authorization Type	WI LOP-06

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a preliminary determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An approved jurisdictional determination will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

PROJECT DESCRIPTION AND PURPOSE:

The Town of Wayne has applied for a Department of the Army permit to discharge fill material into 0.7 acre of wetland (Wayne Marsh). This impact would serve to improve Townline Road from Sunset Drive to Badger Road. The roadway would be raised 1-foot above the existing roadway elevation, and roadway shoulders would be extended approximately 3-feet on either side. A total of seven culverts would be replaced during construction. This project is needed to replace the existing substandard roadway base (currently deteriorating), minimize roadway flooding, and provide a small shoulder to minimize current safety hazards for traffic (despite posted warning signs, approximately

50 vehicles per year get stuck in the soft shoulders of the roadway). This project was originally authorized by the Corps in 2004, however, construction was not started and the original authorization was allowed to expire.

NAME, AREA AND TYPES OF WATERS (INCLUDING WETLANDS) SUBJECT TO LOSS:

A total of 0.7 acre of Wayne Marsh would be affected by this project, as shown in the attached drawings. Vegetation in the proposed construction corridor includes narrow-leaved cattail, lesser duckweed, tamarack trees, riverbank grape, stinging nettle, burr cucumber, American elm, wild raspberry, swamp milkweed, and red-osier dogwood.

ALTERNATIVES CONSIDERED:

The Town of Wayne identified four alternatives to the proposed plan:

Option 1: No project. This would not improve existing deleterious conditions on the roadway or provide safe roadway shoulders for public use.

Option 2: Relocate the roadway. This option was eliminated from further review as not practicable due to existing rural housing which would be landlocked if the current roadway were to be closed. The existing roadway was constructed in 1851 and 1887.

Option 3: Improve roadway pavement alone. While this alternative would eliminate wetland impact and roadway flooding; this alternative would not alleviate roadway base deterioration problems, nor would it create safe shoulders for public use.

Option 4: Raise roadway 2-feet from existing roadway surface, and expand shoulders 4-feet of either side. This option would create a larger shoulder for public use than the preferred alternative. This option was rejected due to extensive wetland impacts (1.4 acres).

COMPENSATORY MITIGATION:

Mitigation for unavoidable wetland impact is required by the Corps of Engineers prior to permit issuance. It is the Corps understanding that the Town proposes to provide preservation of forested wetland as compensation. To date, the Corps has not received assurance of this preservation (conservation easement).

Drawings See attached.